

09-27-01

A

+

Please type a plus sign (+) inside this box →

+

PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**NEW UTILITY
PATENT APPLICATION
TRANSMITTAL**

(only for new nonprovisional applications under

37 CFR 1.53(b))

Attorney Docket Number 21216-05686

First Named Inventor Stewart K. Hester

Title Distributed Processor Modules And
Persistent Storage In An Optical
Network

Express Mail Label No. EL482716555US

APPLICATION ELEMENTS

1. ☒ Fee Transmittal Form (in duplicate)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27
3. ☒ Specification *Total Pages* **28**
(preferred arrangement set forth below)
- Descriptive Title of the Invention
 - Cross Reference(s) to Related Case(s)
 - Statement Regarding Fed sponsored R & D
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawing(s)
 - Detailed Description
 - Claim or Claims
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) *Total Sheets* **10**
5. Oath or Declaration
- a. ☒ New Declaration *Total Pages* **2**
☒ Executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ACCOMPANYING APPLICATION PARTS

7. ☒ Assignment Papers (cover sheet & document(s))
8. ☐ Certified Copy of Priority Document(s) (if foreign priority
is claimed)
9. ☐ Power of Attorney or Authorization of Agent
10. ☐ 37 CFR 3.73(b) Statement
11. ☐ Preliminary Amendment
12. ☒ Information Disclosure Statement & PTO-1449
☒ Copies of IDS Citation(s) A-C
13. ☒ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form
PTO/SB/35 or its equivalent
14. ☒ Return Postcard
15. ☐
16. ☐
17. ☐

ADDRESS TO:**Box Patent Application
Commissioner for Patents
Washington, D.C. 20231**

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: ____/____

Prior application information: Examiner: _____ Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number and Bar Code
Label

**00758**

| | | | |
|-------------------|-------------------|-----------------------------------|----------|
| Name (Print/Type) | Eileen A. Lehmann | Registration No. (Attorney/Agent) | 39,272 |
| Signature | Eileen A. Lehmann | Date | 09/25/01 |

21216/05686/DOCS/1210013.1

0002/PTO(modified)
Rev. 10/2000

U.S. Department of Commerce
Patent and Trademark Office

FEE TRANSMITTAL

TOTAL AMOUNT OF PAYMENT

Subtotal (1) + Subtotal (2) + Subtotal (3) = **(\$ 1644.00)**

Complete if Known

| | |
|------------------------|--------------------|
| Application Number | Not yet known |
| Filing Date | September 25, 2001 |
| First Named Inventor | Stewart K. Hester |
| Group Art Unit | Not yet known |
| Examiner Name | Not yet known |
| Attorney Docket Number | 21216-05686 |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to:

- ☐ Charge the indicated fees to the below mentioned deposit account.
- ☒ Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account.[†]
- ☐ Applicant claims small entity status See 37 CFR 1.27

Deposit Account Number: 19-2555
Deposit Account Name: FENWICK & WEST LLP

A Duplicate Copy of this authorization is attached

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Other

FEE CALCULATION (fees effective 10/01/2000)

1. FILING FEE

| Large Entity Fee Code/Fee | Small Entity Fee Code/Fee | Fee Description | Fee Due |
|------------------------------|------------------------------|--------------------|------------|
| 101/\$710 | 201/\$355 | Utility Filing | 710 |
| 106/\$320 | 206/\$160 | Design Filing | |
| 108/\$710 | 208/\$355 | Reissue | |
| 114/\$150 | 214/\$75 | Provisional Filing | |

SUBTOTAL (1) (\$ 710)

2. CLAIMS

| Large Entity Fee Code/Fee | Small Entity Fee Code/Fee | Fee Description |
|------------------------------|------------------------------|---|
| 103/\$18 | 203/\$9 | Claims in excess of 20 |
| 102/\$80 | 202/\$40 | Independent claims in excess of 3 |
| 104/\$270 | 204/\$135 | Multiple dependent claim |
| 109/\$80 | 209/\$40 | Reissue independent claims over original patent |
| 110/\$18 | 210/\$9 | Reissue claims in excess of 20 and over original patent |

3. ADDITIONAL FEES

| Large Entity Fee Code/Fee | Small Entity Fee Code/Fee | Fee Description | Fee Due |
|------------------------------|------------------------------|--|-----------|
| 105/\$130 | 205/\$65 | Surcharge - late filing fee or oath | |
| 127/\$50 | 227/\$25 | Surcharge-late provisional filing fee or cover sheet | |
| 147/\$2,520 | 147/\$2,520 | For filing a request for reexamination | |
| 115/\$110 | 215/\$55 | Extension for response within first month [†] | |
| 116/\$390 | 216/\$195 | Extension for response within second month [†] | |
| 117/\$890 | 217/\$445 | Extension for response within third month [†] | |
| 118/\$1,390 | 218/\$695 | Extension for response within fourth month [†] | |
| 128/\$1,890 | 228/\$945 | Extension for response within fifth month [†] | |
| 119/\$310 | 219/\$155 | Notice of Appeal | |
| 141/\$1,240 | 241/\$620 | Petition to revive unintentionally abandoned application | |
| 142/\$1,240 | 242/\$620 | Utility Issue Fee (Or Reissue) | |
| 143/\$440 | 243/\$220 | Design Issue Fee | |
| 122/\$130 | 122/\$130 | Petitions to the Commissioner | |
| 126/\$180 | 126/\$180 | Submission of Information Disclosure Statement | |
| 179/\$710 | 279/\$355 | Request for Continued Examination (RCE) | |
| 581/\$40 | 581/\$40 | Recording each patent assignment per property (times number of properties) | 40 |
| 146/\$710 | 246/\$355 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 149/\$710 | 249/\$355 | For each additional invention to be examined (37 CFR 1.129(b)) | |

Other fee (specify):

Other fee (specify):

SUBTOTAL (3) (\$ 40)

| (Col. 1) | | (Col. 2) | (Col. 3) | Fee | Fee Due |
|--|------------------------|--------------------------------|----------|------|---------|
| For | No. of Existing Claims | Highest No Previously Paid For | Extra** | | |
| TOTAL | 43 | 20 | 23 | x 18 | = 414 |
| INDEP | 9 | 3 | 6 | x 80 | = 480 |
| [] First presentation of multiple dependent claim | | | | | |

* Subtract the greater number of Col. 2

** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBTOTAL (2) (\$ 894)

SUBMITTED BY

Typed or Printed Name **Eileen A. Lehmann**

Signature *Eileen A. Lehmann*

Complete (if applicable)

Reg Number **39,272**

Date **09/25/01**

21216/05686/DOCS/1210018.1

[†] Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

| | | | |
|---|--|----------------------|--|
| NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i) | | First Named Inventor | Stewart K. Hester |
| | | Title | Distributed Processor Modules And Persistent Storage In An Optical Network |
| | | Atty Docket Number | 21216-05686 |

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

09/25/01

Date

Eileen A. Lehmann

Signature

Eileen A. Lehmann, 39,272

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.21216/05686/DOCS/1210030.1